

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 16-95]

#### **Proposed Foreign-Trade Zone—Lenoir County, North Carolina (Beaufort-Morehead City Customs Port of Entry)**

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the North Carolina Global TransPark Authority, a North Carolina public corporation (the TransPark Authority), to establish a general-purpose foreign-trade zone in Lenoir County, North Carolina, adjacent to the Beaufort-Morehead City Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on April 25, 1995. The applicant is authorized to make the proposal under Chapter 55C of the North Carolina General Statutes.

The proposed zone would be the second general-purpose zone in the Beaufort-Morehead City Customs port of entry area. The existing zone is FTZ 67 in Morehead City, some 60 miles distant (Grantee: North Carolina Department of Commerce, Board Order 174, 46 F.R. 22919, April 22, 1981).

The proposed zone site (1,170 acres) would cover the Kinston Regional Jetport complex, approximately one mile northwest of the City of Kinston in Lenoir County. The Jetport is part of the North Carolina Global TransPark (TransPark) project, a new 15,000-acre manufacturing, distribution, transportation and logistics facility currently under development. The Jetport is owned by the City of Kinston and Lenoir County, and it is operated by the County of Lenoir-City of Kinston Airport Commission. The TransPark Authority has an option to acquire the Jetport.

The application contains evidence of the need for additional zone services in the Beaufort-Morehead City port of entry area. Several firms have indicated an interest in using zone procedures within the proposed project for warehousing/distribution of such items as plastics products, cedar wood products, electric forklift trucks, fine china, flashlights and lanterns, and cold storage products. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on June 8, 1995, 9:00 a.m., in the Auditorium, Main Building, Lenoir Community College, Intersection of US 58 South and US 70 East, Kinston, North Carolina.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 7, 1995. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to July 24, 1995).

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

Neuse Regional Library, Kinston-Lenoir County Public Library, 510 N. Queen Street, Kinston, North Carolina 28501

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: April 28, 1995

**John J. Da Ponte, Jr.,**

*Executive Secretary.*

[FR Doc. 95-11254 Filed 5-5-95; 8:45 am]

BILLING CODE 3510-DS-P

[Docket A(32b1)-6-95]

#### **Foreign-Trade Zone 122—Corpus Christi, TX, Subzone 122L, Koch Refining Company (Crude Oil Refinery Complex); Request for Modification of Restriction**

A request has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Corpus Christi Authority, grantee of FTZ 122, pursuant to § 400.32(b)(1) of the Board's regulations, for modification of the restrictions in FTZ Board Order 535 authorizing Subzone 122L at the crude oil refinery complex of Koch Refining Company (Koch) in Corpus Christi, Texas. The request was formally filed on April 26, 1995.

The FTZ Board approved subzone status for the Koch refinery in 1991 (Subzone 122L, Board Order 535, 56 FR 43905, 9/5/91). The approval was subject to certain standard restrictions, including one that required the election of privileged foreign status on incoming foreign merchandise.

The company is now requesting that this restriction be modified so that it would have the option available under the FTZ Act to choose non-privileged foreign (NPF) status on foreign refinery inputs used to produce certain petrochemical feedstocks and by-products including the following: Benzene, toluene, xylenes, hydrocarbon mixtures, distillates/residual fuel oils, kerosene, naphthas, liquified natural gas, ethane, propane, butane, ethylene, propylene, butylene, butadiene, petroleum coke, asphalt, sulfur, sulfuric acid, cumene and pseudocumene.

The request cites the FTZ Board's recent decision in the Amoco, Texas City, Texas case (Board Order 731, 60 FR 13118, 3/10/95) which authorized subzone status with the NPF option noted above. In the Amoco case, the Board concluded that the restriction that precluded this NPF option was not needed under current oil refinery industry circumstances.

Public comment on the proposal is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 7, 1995.

A copy of the application and accompanying exhibits will be available for public inspection at the following

location: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue NW., Washington, DC 20230.

Dated: May 1, 1995.

**John J. Da Ponte, Jr.,**

*Executive Secretary.*

[FR Doc. 95-11253 Filed 5-5-95; 8:45 am]

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## International Trade Administration

[A-570-835]

### Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From the People's Republic of China

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** May 8, 1995.

**FOR FURTHER INFORMATION CONTACT:** John Brinkmann or Greg Thompson, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-5288 or (202) 482-2336, respectively.

### Final Determination

We determine that furfuryl alcohol from the People's Republic of China (PRC) is being, or is likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Continuation of Suspension of Liquidation" section of this notice.

### Case History

Since the preliminary determination of sales at LTFV on December 9, 1994, (59 FR 65009, December 16, 1994), the following events have occurred:

Verification of the questionnaire responses was conducted in February 1995. Reports concerning these verifications were issued in March 1995.

QO Chemicals, Inc. (the petitioner) as well as Qingdao Chemicals & Medicines & Health Products Import & Export Company (Qingdao) and Sinochem Shandong Import & Export Company (Sinochem Shandong) (together referred to as respondents) submitted case and rebuttal briefs on March 27 and 30, 1995, respectively. A public hearing was held on April 3, 1995. Inasmuch as the submitted briefs contained certain untimely, new information, the Department of Commerce (the Department) issued letters to the

petitioner and the respondents concerning the redaction from the record of this new information on April 10, 1994.

### Scope of Investigation

The product covered by this investigation is furfuryl alcohol ( $C_4H_3OCH_2OH$ ). Furfuryl alcohol is a primary alcohol, and is colorless or pale yellow in appearance. It is used in the manufacture of resins and as a wetting agent and solvent for coating resins, nitrocellulose, cellulose acetate, and other soluble dyes.

The product subject to this investigation is classifiable under subheading 2932.13.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

### Period of Investigation

The period of investigation (POI) is December 1, 1993 through May 31, 1994.

### Separate Rates

Both of the participating exporters, Qingdao and Sinochem Shandong have requested a separate, company-specific dumping margin. Their respective business licenses indicate that they are owned "by all the people." In the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585, (May 2, 1994) (*Silicon Carbide*) and the *Final Determination of Sales at Less Than Fair Value: Coumarin from the People's Republic of China*, 59 FR 66895 (December 28, 1994) (*Coumarin*), we found that the PRC central government had devolved control of state-owned enterprises, i.e., enterprises "owned by all the people." As a result, we determined that companies owned "by all the people" were eligible for individual rates, if they met the criteria developed in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China* 56 FR 20588 (May 6, 1991) (*Sparklers*) and amplified in *Silicon Carbide*. Under this analysis, the Department assigns a separate rate only when an exporter can demonstrate the absence of both *de jure* and *de facto* governmental control over export activities.

### De Jure Analysis<sup>1</sup>

The PRC laws placed on the record of this investigation establish that the

<sup>1</sup> Evidence supporting, though not requiring, a finding of *de jure* absence of central control

responsibility for managing companies owned by "all the people," including the respondent companies, has been transferred from the government to the enterprises themselves. These laws include: "Law of the People's Republic of China on Industrial Enterprises Owned by the Whole People," adopted on April 13, 1988 (1988 Law); "Regulations for Transformation of Operational Mechanism of State-Owned Industrial Enterprises," approved on August 23, 1992 (1992 Regulations); and the "Temporary Provisions for Administration of Export Commodities," approved on December 21, 1992 (1992 Export Provisions). In particular, the 1988 Law states that enterprises have the right to set their own prices (see Article 26). This principle was restated in the 1992 Regulations (see Article IX).

The 1992 Export Provisions list includes those products subject to direct government control. In April 1994, the "Emergent Notice of Changes in Issuing Authority for Export Licenses Regarding Public Quota Bidding for Certain Commodities" (1994 Quota Measure) entered into force, superseding earlier laws that had listed the subject merchandise. Although furfuryl alcohol was on the 1992 version of the Export Provisions list, it has since been removed. (See discussion in Comment 1.)

Consistent with *Silicon Carbide*, we determine that the existence of these laws demonstrates that Qingdao and Sinochem Shandong, companies owned by "all the people," are not subject to *de jure* control.

In light of reports<sup>2</sup> indicating that laws shifting control from the government to the enterprises themselves have not been implemented uniformly, our analysis of *de facto* control becomes critical in determining whether respondents are, in fact, subject to governmental control.

### De Facto Control Analysis<sup>3</sup>

In the course of verification, we confirmed that export prices for both

includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; or (3) any other formal measure by the government decentralizing control of companies.

<sup>2</sup> See "PRC Government Findings on Enterprise Autonomy," in Foreign Broadcast Information Service-China-93-133 (July 14, 1993) and 1992 Central Intelligence Agency Report to the Joint Economic Committee, Hearings on Global Economic and Technological Change: Former Soviet Union and Eastern Europe and China, Pt. 2 (102 Cong., 2d Sess.).

<sup>3</sup> The factors considered include: (1) Whether the export prices are set by or subject to the approval of a governmental authority; (2) whether the